

BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF IDAHO

In the Matter of the License of:	)	
	)	Case No. PSY-2009-1
SCOTT H. ARMENTROUT, Ph.D.,	)	
License No. PSY-323,	)	<b>STIPULATION AND</b>
	)	<b>CONSENT ORDER</b>
Respondent.	)	
_____	)	

WHEREAS, the Idaho State Board of Psychologist Examiners (the "Board") has received information constituting sufficient grounds for the initiation of an administrative action against Scott H. Armentrout, Ph.D. ("Respondent"); and

WHEREAS, the parties wish to expeditiously settle this matter without formal administrative hearings before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the parties that this matter shall be settled and resolved upon the following terms:

**A. Stipulated Facts and Law**

A.1. The Board may regulate the practice of psychology in the State of Idaho in accordance with title 54, chapter 23, Idaho Code.

A.2. Respondent Scott H. Armentrout, Ph.D., is a licensee of the Idaho State Board of Psychologist Examiners and holds License No. PSY-323 to practice psychology in the State of Idaho.

A.3. Respondent's license is subject to the provisions of title 54, chapter 23, Idaho Code, and the rules of the Board promulgated at IDAPA 24.12.01, *et seq.* Pursuant to Idaho Code § 54-2309(e), the Board may take disciplinary action against any licensed psychologist found to have violated the ethical standards of the American Psychological Association ("APA").

A.4. On December 6, 2007, the Board entered an Order adopting a Stipulation and Consent Order with Respondent in Case No. PSY-2008-3, which arose out of

Respondent's psychological testing of a client. The Board issued Respondent a reprimand and ordered Respondent to pay investigative costs and attorney fees of \$375.

A.5. In May 2008, "Jane" presented her 2-year old son to Respondent for evaluation. At the time, Jane shared custody of her son with the child's father, "John", who resided in another state. According to Jane, the child had behavioral difficulties.

A.6. On May 5, 2008, Respondent performed a diagnostic interview of the child. On May 22, 2008, Respondent conducted a second interview with the child. Respondent also referred the child to a pediatrician to be evaluated for developmental delays.

A.7. On May 29, 2008, Respondent prepared a "To Whom it May Concern" letter with a stated purpose to document his observations of the child at the request of his mother, in which Respondent concluded that the child's response when his mother stood up to leave the room was "consistent with an emerging attachment disorder, undoubtedly exacerbated by the unusual custody arrangement which has the 2-year-old changing homes every 8-13 weeks." Respondent's letter also concluded, "There is no reason to believe that [the child's] intense behaviors and emotional upset will resolve unless and until one home is selected as the primary location for his care" to provide "the consistency and stability that is associated with the establishment of secure attachment and the capacity for trust in emotional bonds."

A.8. Prior to preparing the May 29, 2008, letter, Respondent did not obtain a history on the child, conduct interviews with John, Jane, or Jane's new husband (the child's stepfather), perform testing on the child, or perform a home observation.

A.9. On June 3, 2008, Jane filed Respondent's May 29, 2008, letter with the court in support of an ex parte motion to obtain sole custody of the child.

A.10. On June 12, 2008, Respondent prepared an addendum to the May 29, 2008, letter, in which Respondent concluded that the child's separations from his mother under the custody arrangement placed him at substantial emotional risk, stating: "To the degree the child's emotional adjustment is to be taken into consideration, [the child] should not

have to experience additional traumatic separations from his mother. The current custody arrangement should be altered to allow [the child] to recover from the past traumatic separations and allow him minimal hours/days of separation from his mother.”

A.11. Respondent has stated that at the time he prepared the May 29, 2008, letter and the June 12, 2008, addendum, he had read extensively on attachment disorders and considered himself to be adequately versed in this area to render an opinion in the child’s case. However, Respondent did not have experience in child custody evaluations and was not aware of the APA guidelines for child custody evaluations in divorce proceedings. According to Respondent, he intended only to provide to Jane’s lawyer a letter reporting Respondent’s observations of his contacts with the child and did not intend to conduct a child custody evaluation.

A.12. The Board finds that the allegations of Paragraphs A.5 through A.11, if proven, would violate the laws and rules governing the practice of psychology, specifically Idaho Code § 54-2309(e) (violation of the ethical standards of the American Psychological Association), including: (a) APA Code of Ethics 2.01(a) (psychologists provide services only within the boundaries of their competence); (b) APA Code of Ethics 2.01(f) (for forensic roles, psychologists are or become reasonably familiar with the judicial or administrative rules governing their roles); (c) APA Code of Ethics 9.01(a) (psychologists base opinions in their recommendations, reports and diagnostic or evaluative statements, including forensic testimony, on information and techniques sufficient to substantiate their findings); and (d) APA Code of Ethics 9.01(b) (psychologists provide opinions of the psychological characteristics of individuals only after they have conducted an examination of the individuals adequate to support their statements or conclusions) and constitute grounds for disciplinary action against Respondent’s license to practice psychology in the State of Idaho. The Respondent denies law or rule violations, but agrees to enter into this Stipulation and Consent Order in lieu of other proceedings.

## **B. Waiver of Procedural Rights**

I, Scott H. Armentrout, Ph.D., by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board, as stated in Section A, Paragraphs A.1 through A.12. I further understand that the Board contends that these facts constitute cause for disciplinary action upon my license to practice psychology in the State of Idaho.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of psychology in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

## **C. Stipulated Discipline**

C.1. Respondent shall pay investigative costs and attorney fees in the amount of Two Thousand Five Hundred and No/100 Dollars (\$2,500.00) within one hundred twenty (120) days of the entry of the Board's Order.

C.2. Respondent shall not conduct forensic evaluations, whether for purposes of federal or state court litigation, or administrative or other adversary proceedings, unless and until Respondent appears before the Board and demonstrates competency to the Board in such forensic evaluations.

C.3. Respondent's License No. PSY-323 shall be placed on supervised probation for a period of six (6) months from the date of entry of the Board's Order. The conditions of the supervised probation are as follows:

a. The supervisor to be recommended by Respondent must receive preapproval by the Board. Respondent shall provide a copy of this Stipulation and Consent Order to the supervisor at the beginning of the probation period.

b. The supervisor shall review six (6) written assessments performed by Respondent that are subject to APA Code of Ethics 9 (Assessments) and the written informed consents provided by clients for these assessments for compliance with the APA Code of Ethics, including without limitation APA Code of Ethics 9 (Assessments).

c. The supervisor's review shall include, at a minimum, the following:

i. Before conducting each assessment, Respondent shall submit a written plan for such assessment to the supervisor. Respondent shall meet with the supervisor and make all files and information pertaining to the assessment available to the supervisor, as requested by the supervisor to address concerns or recommendations.

ii. Prior to issuing each written assessment, Respondent shall submit such written assessment to the supervisor for review and shall meet with the supervisor and make all files and information pertaining to the assessment available to the supervisor, as requested by the supervisor to address concerns or recommendations.

d. Respondent shall take twelve (12) hours of continuing education in the areas of (a) assessments and (b) child custody in high conflict divorces. Respondent shall submit proof of satisfactory attendance and completion to the Board within thirty (30) days of attendance. The twelve (12) continuing education hours shall be in addition to the continuing education hours required annually to maintain licensure. Respondent must receive prior approval by the Board as to both the institution and coursework for which Respondent is seeking credit.

e. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of psychology in the State of Idaho.

f. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

g. Respondent shall fully cooperate with the Board and its agents, and shall make all relevant files, records, correspondence or other documents available immediately upon the demand of any member of the Board and its agents.

C.4. At the conclusion of the supervised probation period and provided Respondent has complied with Paragraph C.3 and all other terms this Stipulation and Consent Order, Respondent may request from the Board reinstatement of License No. PSY-323 without restriction. Any request for reinstatement must be accompanied by written proof of compliance with the terms of this Stipulation, including, without limitation, a single written report from the probation supervisor indicating Respondent's successful completion of the requirements of probation; provided, however, that the supervisor shall immediately report to the Board during the probation period should any concerns about Respondent's assessment procedures and practices arise. At a minimum, the supervisor's report at the end of the probation period must describe with particularity: (a) the six (6) assessments reviewed and all concerns and recommendations discussed; (b) the number and length of meetings and other communications with Respondent during the probation period, what was discussed and the results of such discussions; (c) all practice concerns raised with Respondent and how Respondent addressed them; and (d) the supervisor's recommendations concerning Respondent's request for release from probation. The Board retains discretion to grant reinstatement of Respondent's psychology license without restriction or to deny reinstatement and continue the period of probation.

C.5. All costs associated with compliance with the terms of this Stipulation, including but not limited to all costs of the supervised probation discussed above, are the sole responsibility of Respondent.

C.6. The violation of any of the terms of this Stipulation by Respondent may warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

#### **D. Presentation of Stipulation to Board**

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval. During the presentation the prosecutor may discuss and provide to the Board such materials and information as he may deem appropriate in his discretion.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

#### **E. Violation of Stipulation and Consent Order**

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The Chief shall also serve notice of the hearing and charges to Respondent and to Respondent's attorney, if any. Within twenty-one (21) days after the notice of the hearing and charges is served, Respondent may submit a response to the

allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent's practice.

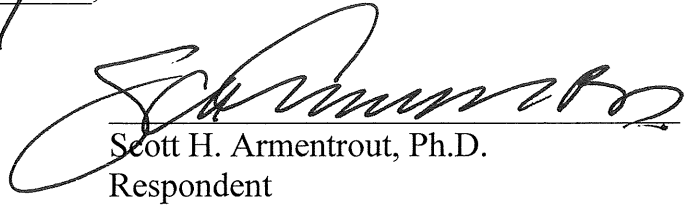
E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

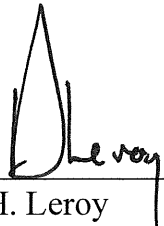


DATED this 8<sup>th</sup> day of July, 2009.

  
Scott H. Armentrout, Ph.D.  
Respondent

Approved as to form.

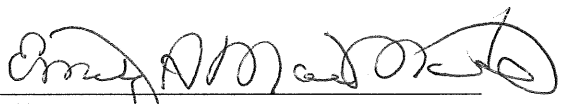
DATED this 8<sup>th</sup> day of July, 2009.

  
David H. Leroy  
Attorney for Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 10<sup>th</sup> day of July, 2009.

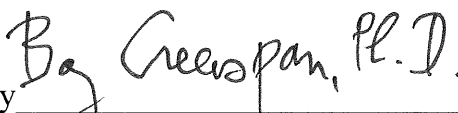
STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By   
Emily A. MacMaster  
Deputy Attorney General

### ORDER

Pursuant to Idaho Code § 54-2305, the foregoing is adopted as the decision of the Board of Psychologist Examiners in this matter and shall be effective on the 30<sup>th</sup> day of July, 2009. **IT IS SO ORDERED.**

IDAHO STATE BOARD  
OF PSYCHOLOGIST EXAMINERS

By   
Barney Greenspan, Chair

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Scott H. Armentrout, Ph.D.  
1519 N. 21st Street  
Boise, ID 83702

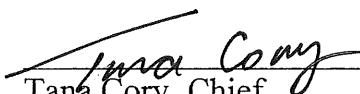
- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

David H. Leroy  
Attorney at Law  
P.O. Box 193  
Boise, ID 83701

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Emily A. Mac Master  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☒ Statehouse Mail

  
Tana Cory, Chief  
Bureau of Occupational Licenses